



June 5, 2012

Senate Regulatory reform Committee
Lansing, Michigan

Re; HB 5660 – Exemption from the Michigan bottle deposit law

Dear Senator,

I am writing you on behalf of the Michigan Environmental Council and its more than sixty-five member groups located across the State of Michigan urging you to oppose the introduced version of HB 5660. A number of our member groups were active in the initial campaign and efforts to amend the law since then. The Michigan bottle deposit law is among the most successful in the country and still has strong support among Michigan voters.

This bill violates both purposes of our bottle deposit laws - to promote the use of recyclable containers and to reduce litter. This bill would allow companies using these new pouches to have a market advantage over other companies that comply with our law, encouraging greater use of these containers.

These pouches are subject to the deposit laws in Maine, Vermont, British Columbia and Alberta. All states that rely and promote tourism within their boundaries. These containers will end up on our beaches, along rivers and streams and our roadways. Unfortunately, alcohol containers end up as litter more often than other items. We expect the same will be true of this product.

The pouches are hard (but not impossible to recycle), with many curbside recycling programs refusing to take them. One of the reasons behind the bottle deposit law was to encourage the use of recyclable materials, since the company would know they would have to take the container back. This bill would reward bad behavior.

An immediate problem is the language which we think could be met by a container designed to hold a carbonated beverage - that would be a disaster for our bottle bill.

We acknowledge that these containers are not compatible with reverse vending machines. However, at a minimum the companies placing these items in the market should be assessed a recycling/litter prevention fee in lieu of the deposit and take other measures to encourage they are recycled.

Sincerely,



James Clift, Policy Director

Michigan Environmental Council, 119 Pere Marquette, Ste 2A, Lansing, MI 48912

Senator _____ offered the following amendment to HB 5660:

1. Amend page 1, line 2 after "CONTAINER" by inserting, **"DESIGNED AND INTENDED FOR A PRODUCT TO BE FROZEN AND"**.

2. Amend page 1, line 7 after "CONTAINER." by inserting:

"THE MANUFACTURER OF A CONTAINER WHICH USES A COMBINATION OF MATERIALS BUT IS NOT SUBJECT TO A DEPOSIT DUE TO THE APPLICATION OF THIS PROVISION SHALL PAY A 5 CENT FEE PER CONTAINER SOLD IN THE STATE TO BE PLACED IN THE MICHIGAN PROMOTION FUND ESTABLISHED PURSUANT TO MCLA 125.2039 AND USED FOR TO IMPLEMENT ANTI-LITTERING PROMOTIONS AND CAMPAIGNS TO COMPLIMENT EFFORTS TO INCREASE TOURISM WITHIN THE STATE."